

**COMMONWEALTH OF MASSACHUSETTS  
State Building Code (780 CMR) Appeals Board**

**Board's Ruling on Appeal<sup>1</sup>**

**Docket No.** 09-703  
**Appellant(s):** Jeffrey Segalyn, Esq.

vs.

**Appellee(s):** City of Chicopee  
Joeseeph Viamari

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6<sup>th</sup> Edition 780 CMR 503.0 Table 503 and Section 504.6 for 165 Front Street, Chicopee, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on February 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant, representing the owner, 200 Tillary, LLC, appeared and testified for the hearing along with representatives of the owner's engineer – Tighe & Bond. Board member Jacob Nunnemacher recused himself for possible conflict of interest.

**Discussion**

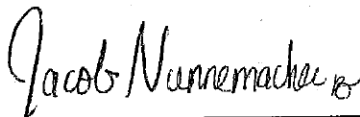
A motion was made to grant the Appellant's request for a variance from the 6<sup>th</sup> Edition of 780 CMR 503.0 Table 503 and Section 504.6 based on the exhibits and testimony that was presented. The motion requires: the appellant return to the Board after finalizing plans to verify that all modifications discussed are incorporated; that additional standpipe connections are provided and approved by the fire chief or designee; that a horizontal wet pipe system is provided; that a security gate is provided accessible for the public safety department; and that the project complies with 3402.1.5. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from the 6<sup>th</sup> Edition 780 CMR 503.0 Table 503 and Section 504.6 is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: February 5, 2009.**



Douglas Semple



Jacob Nunnemacher



Stanley Shuman